

then make a novelty or obviousness rejection of a claim of another Group based solely on such a reference since the Examiner has already taken the position that the claim of the another Group is novel and unobvious over the claim of the one Group.

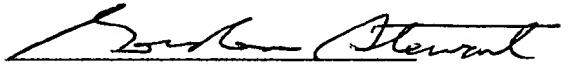
With regard to elected Group VI (claims 19-27), this group should also include claim 28 which is dependent on claim 27. Given this dependency of claim 28 on claim 27, and the fact that claim 28 was not mentioned elsewhere in the Examiner's restriction requirement, this inclusion of claim 28 in Group VI appears proper.

Applicant further traverses the restriction requirement, in that Group VII (claim 29) should be examined together with elected Group VI. In particular, claim 29 refers to a computer program product which can be used in the operation of an array fabricating apparatus (such as that of claim 19 of Group VI). As such, examining claim 29 together with the apparatus of Group VI would not place any "serious burden" on the Examiner since in examining claim 29 the Examiner should also search in the classifications relating to the apparatus (since it is possible references in those apparatus classifications might disclose operation by the software of claim 29). As pointed out in MPEP 803 "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

Should the Examiner have any questions or believe there are any outstanding issues that might be resolved by means of a telephone conference, she is invited to call Gordon Stewart at (650)485-2386.

Respectfully submitted,

JAY K. BASS

By 
Gordon M. Stewart
Reg. No. 30,528

Agilent Technologies, Inc.
Legal Department, MS DL429
P.O. Box 7599
Loveland CO 80537-0599

Dated: May 25, 2001

Tel.: 650 485-2386